

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-16 are pending in this application. Claims 15 and 16 are added by the present response. Claims 5-10 stand withdrawn from consideration. Claims 1 and 11 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent 1,195,505 to Saino. Claims 4, 13, and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Saino. Claims 2, 3, and 12 were objected to as dependent upon a rejected base claim, but were noted as allowable if rewritten in independent form to include all of the limitations of their base claims and any intervening claims.

Initially, applicants gratefully acknowledge the indication of the allowable subject matter in claims 2, 3, and 12. Further, with respect to that indication of allowable subject matter new independent claims 15 and 16 are presented for examination. New independent claim 15 corresponds to previously pending dependent claim 2 rewritten in independent form, and new independent claim 16 corresponds to previously pending dependent claim 12 rewritten in independent form. Thus, new independent claims 15 and 16 present subject matter indicated as allowable in the outstanding Office Action.

Addressing now the rejection of claims 1 and 11 under 35 U.S.C. §102(b) as anticipated by Saino, and the rejection of claims 4, 13, and 14 under 35 U.S.C. §103(a) as unpatentable over Saino, those rejections are traversed by the present response.

Applicants initially note each of independent claims 1 and 11 is amended by the present response to clarify features recited therein. Specifically, independent claim 1 is now directed to an “elevator system” that positively recites as elements “an elevator opening” and “an elevator hall door”. Independent claim 11 is similarly amended. The claimed structure is believed to clearly distinguish over the teachings in Saino.

Saino is directed to a fire door or shutter. Saino, in contrast to the claimed invention, does not disclose or suggest any application to “an elevator system”, nor does Saino disclose or suggest the door therein being operable for closing and opening “an elevator opening”, and particularly such that a back board portion can be structured “for facing the elevator opening”. Each of independent claims 1 and 11 clarifies the elevator system structure by positively reciting “an elevator opening” as an element, and in independent claims 1 and 11 the back board specifically faces “the elevator opening”. Such a structure clearly distinguishes over Saino that is merely directed to a fire door or shutter.

In maintaining the outstanding rejection, the outstanding Office Action notes “the examiner would like to point out that the elevator opening is not positively claimed”.¹

In response to that basis for maintaining the rejection applicants note that in each of independent claims 1 and 11 the “elevator opening” is positively claimed.

Further, another basis for maintaining the outstanding rejection noted in point 5 of the outstanding Office Action is that the phrase “for closing an opening an elevator opening” was not given patentable weight as it was interpreted as a functional recitation only recited in the preamble.

In response to that position applicants note that by positively reciting the “elevator opening” in the body of the claims it is believed to be clear that the reference to the “elevator hall door for closing and opening the elevator opening” must now clearly be given patentable weight.

Moreover, for the reasons noted above Saino clearly fails to teach or suggest the above-noted claimed features.

In such ways, applicants respectfully submit each of independent claims 1 and 11, and the claims dependent therefrom, are allowable.

¹ Office Action of April 23, 2004, page 5, prenumbered point 5, lines 405.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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